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January 31, 1967

Dear John:

In my letter to you of November 28, 1966, I enclosed the text of a non-proliferation treaty Article III indicating the U.S. and Soviet positions on language as of that time. The purpose of this letter is to bring you up to date on recent developments.

As you know, many EURATOM countries strongly feel that EURATOM safeguards are equivalent to IAEA safeguards, and that, therefore, a non-proliferation treaty should make provision for either. The U.S. has made it clear that it too considers EURATOM safeguards to be equivalent to IAEA safeguards. As you know, however, the Soviets rejected the language "International Atomic Energy Agency or equivalent international safeguards" in the non-proliferation treaty article on safeguards.

In subsequent negotiations with the Soviets, the U.S. suggested that the phrase "effective international safeguards" be substituted for "International Atomic Energy Agency or equivalent international safeguards." The Soviets rejected this proposal and indicated that they would prefer no safeguards article at all to language appearing to endorse EURATOM safeguards. They did say that they would accept a binding safeguards article provided it did not call for inspection of nuclear-weapon states, and provided further that it specified only IAEA safeguards. Moreover, they have accepted the need for a transition period (as yet undefined) before IAEA safeguards would need to be phased into the

Mr. John T. Conway,
 Executive Director,
 Joint Committee on Atomic Energy,
 Congress of the United States.

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2/21/67 CUD & I concluded
letter not necessarily
misleading and
correcting action with
JCAE not necessary.
MC

EURATOM area and have said this period could be fixed by a protocol or declaration of understanding. They have also indicated that they would not be concerned about a continuation of EURATOM safeguards provided that IAEA safeguards applied to the EURATOM non-nuclear-weapon countries as well.

In an attempt to find a compromise between the Soviet view and that of the EURATOM countries, we have just proposed to the EURATOM countries and to Canada and the U.K. the Article III attached hereto. It would insert the phrase "as soon as practicable" after the undertaking to accept IAEA safeguards in the first sentence. There would be no similar limitation in the second sentence.

This formulation would permit a transitional arrangement which might contain an agreed understanding as to the duration of the transition period after which IAEA safeguards would apply to all non-nuclear-weapon parties. Procedures during the transition period to be agreed between EURATOM and IAEA might involve various possible arrangements, such as (a) enabling the IAEA to verify the adequacy of the EURATOM safeguards system; (b) parallel, independent inspection by EURATOM and IAEA in EURATOM territory; or (c) some form of joint, cooperative inspections.

Probably the only alternative to a formulation of this kind would be to have no effective safeguards clause at all. This formulation is certainly stronger than the Article III in the August, 1965 U.S. draft non-proliferation treaty, and it presently appears to represent the best compromise possible.

Best regards.

Sincerely,

Enclosure:

Draft Article III.

George Bunn
General Counsel

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Cleared by:

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January 31, 1967

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DRAFT TEXT OF POSSIBLE COMPROMISE LANGUAGE FOR
A NON-PROLIFERATION TREATY ARTICLE III

"Each non-nuclear-weapon State Party to this Treaty undertakes to accept the safeguards of the International Atomic Energy Agency on all its peaceful nuclear activities as soon as practicable. Each State Party to this Treaty undertakes not to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material for peaceful purposes to any non-nuclear-weapon State unless such material and equipment are subject to such safeguards."

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